



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0441

Introduced 1/26/2007, by Rep. Ruth Munson

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1.6

Amends the Criminal Code of 1961 relating to the offense of aggravated unlawful use of a weapon. Provides that aggravated unlawful use of a weapon by a person who has not been previously convicted of a felony in this State or another jurisdiction and who at the time of the commission of the offense is a member of a street gang or is engaged in street gang related activity is a Class 2 felony. Provides that aggravated unlawful use of a weapon by a person who has been previously convicted of a felony in this State or another jurisdiction and who at the time of the commission of the offense is a member of a street gang or is engaged in street gang related activity is a Class 1 felony.

LRB095 03708 RLC 23735 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing
5 Section 24-1.6 as follows:

6 (720 ILCS 5/24-1.6)

7 Sec. 24-1.6. Aggravated unlawful use of a weapon.

8 (a) A person commits the offense of aggravated unlawful use
9 of a weapon when he or she knowingly:

10 (1) Carries on or about his or her person or in any
11 vehicle or concealed on or about his or her person except
12 when on his or her land or in his or her abode or fixed
13 place of business any pistol, revolver, stun gun or taser
14 or other firearm; or

15 (2) Carries or possesses on or about his or her person,
16 upon any public street, alley, or other public lands within
17 the corporate limits of a city, village or incorporated
18 town, except when an invitee thereon or therein, for the
19 purpose of the display of such weapon or the lawful
20 commerce in weapons, or except when on his or her own land
21 or in his or her own abode or fixed place of business, any
22 pistol, revolver, stun gun or taser or other firearm; and

23 (3) One of the following factors is present:

1 (A) the firearm possessed was uncased, loaded and
2 immediately accessible at the time of the offense; or

3 (B) the firearm possessed was uncased, unloaded
4 and the ammunition for the weapon was immediately
5 accessible at the time of the offense; or

6 (C) the person possessing the firearm has not been
7 issued a currently valid Firearm Owner's
8 Identification Card; or

9 (D) the person possessing the weapon was
10 previously adjudicated a delinquent minor under the
11 Juvenile Court Act of 1987 for an act that if committed
12 by an adult would be a felony; or

13 (E) the person possessing the weapon was engaged in
14 a misdemeanor violation of the Cannabis Control Act, in
15 a misdemeanor violation of the Illinois Controlled
16 Substances Act, or in a misdemeanor violation of the
17 Methamphetamine Control and Community Protection Act;
18 or

19 (F) the person possessing the weapon is a member of
20 a street gang or is engaged in street gang related
21 activity, as defined in Section 10 of the Illinois
22 Streetgang Terrorism Omnibus Prevention Act; or

23 (G) the person possessing the weapon had a order of
24 protection issued against him or her within the
25 previous 2 years; or

26 (H) the person possessing the weapon was engaged in

1 the commission or attempted commission of a
2 misdemeanor involving the use or threat of violence
3 against the person or property of another; or

4 (I) the person possessing the weapon was under 21
5 years of age and in possession of a handgun as defined
6 in Section 24-3, unless the person under 21 is engaged
7 in lawful activities under the Wildlife Code or
8 described in subsection 24-2(b)(1), (b)(3), or
9 24-2(f).

10 (b) "Stun gun or taser" as used in this Section has the
11 same definition given to it in Section 24-1 of this Code.

12 (c) This Section does not apply to or affect the
13 transportation or possession of weapons that:

14 (i) are broken down in a non-functioning state; or

15 (ii) are not immediately accessible; or

16 (iii) are unloaded and enclosed in a case, firearm
17 carrying box, shipping box, or other container by a
18 person who has been issued a currently valid Firearm
19 Owner's Identification Card.

20 (d) Sentence. Aggravated unlawful use of a weapon is a
21 Class 4 felony; a second or subsequent offense is a Class 2
22 felony for which the person shall be sentenced to a term of
23 imprisonment of not less than 3 years and not more than 7
24 years. Aggravated unlawful use of a weapon by a person who has
25 been previously convicted of a felony in this State or another
26 jurisdiction is a Class 2 felony for which the person shall be

1 sentenced to a term of imprisonment of not less than 3 years
2 and not more than 7 years. Aggravated unlawful use of a weapon
3 by a person who has not been previously convicted of a felony
4 in this State or another jurisdiction and who at the time of
5 the commission of the offense is a member of a street gang or
6 is engaged in street gang related activity, as defined in
7 Section 10 of the Illinois Streetgang Terrorism Omnibus
8 Prevention Act, is a Class 2 felony. Aggravated unlawful use of
9 a weapon by a person who has been previously convicted of a
10 felony in this State or another jurisdiction and who at the
11 time of the commission of the offense is a member of a street
12 gang or is engaged in street gang related activity, as defined
13 in Section 10 of the Illinois Streetgang Terrorism Omnibus
14 Prevention Act, is a Class 1 felony. Aggravated unlawful use of
15 a weapon while wearing or in possession of body armor as
16 defined in Section 33F-1 by a person who has not been issued a
17 valid Firearms Owner's Identification Card in accordance with
18 Section 5 of the Firearm Owners Identification Card Act is a
19 Class X felony. The possession of each firearm in violation of
20 this Section constitutes a single and separate violation.

21 (Source: P.A. 93-906, eff. 8-11-04; 94-72, eff. 1-1-06; 94-284,
22 eff. 7-21-05; 94-556, eff. 9-11-05; revised 8-19-05.)